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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,380	01/19/2001	Nicholas Iatropoulos	12458-002001	7361
26161	7590	12/16/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			RAMAN, USHA	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,380

Applicant(s)

IATROPOULOS ET AL.

Examiner

Usha Raman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020812</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED OFFICE ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-8, 10-13, 15-20, 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al. (US Pre Grant Pub. 2002/0065034).

In regards to claims 1, and 27, Zhang teaches a method of enabling interactive communications between mass media operators and mass audiences through a universal interactive system platform. See abstract, page 1, paragraph 4, page 2, paragraph 16, and 18. The system comprises the method step of providing an interactive prompt (a selection interface 170 through which the user can interact with the content provider and/or advertisers) with communication media (communication media being electronic media such as radio, television broadcasts) in the form of information/instructions such as contact information provided by advertisers for interactivity. See page 3, paragraph 46 and paragraph 56. The system is further adapted to receive response (feedback) from audience in response to the interactive prompt from a communications

device such as computer or a telephone. See paragraph 19 in page 2 and paragraphs 63-65 in page 4.

In further regards to claims 27, the selection of the universal interactivity service provides a for media providers and advertisers a selection interface for enabling the association/generation of interactive prompts with programs (from the media providers side) and receiving user response (from the audience site), by using an internet browser, and therefore is a computer program product process for enabling interactive communications between media distributors and media audience. See paragraph 53 in page 3.

With regards to claims 2 and 3, Zhang teaches that the mass communications medium can be any communication medium for delivering electronic media, including radio broadcast network for delivering radio programs and television broadcast network for delivering television programs. See claims 13, and 14 in page 10.

In regards to claim 7, Zhang discloses that a URL for directing the viewers to a web page can be provided with electronic media to enable interactivity. The communications medium protocol in this case is a hypertext transfer protocol, to enable the redirection of the client from the interactive prompt to that webpage. See paragraphs 65 and 69 in page 4.

In regards to claims 8 and 18, the interactive prompt is inserted in an electronic media (radio and television program) prior to transmission of the

program over a communication medium to a receiver. Note paragraphs 46, 55 and 56 in page 3.

In regards to claim 10, Zhang discloses that digital audio can be inserted as a prompt by the content provider. See paragraph 69 in page 5.

In regards to claim 11, Zhang discloses that audience can be instructed by the prompt to respond in a web site. See paragraph 65 in page 4.

In regards to claim 12, Zhang discloses that an advertising schedule indicating airtime spots as well as spot length are used as data for time-scheduling the interactive prompt within the broadcast. See paragraphs 55, 56 and 57 in page 3.

In regards to claim 13, when responding to the prompt, the user responds by entering the system website, which further directs it to the advertiser's website for receiving content. See paragraph 60 in page 4. The advertiser's website entered is the one that was provided as the interactive prompt to be received by the user during the scheduling time. Therefore, the website is provided for receiving response, based on the data that was scheduled for that broadcast. See paragraphs 55 and 56 in page 3.

In regards to claims 15-17, 18-20, Zhang discloses that broadcast facilities transmit information (television or radio programs) as analog or digital signals to receivers through broadcast towers (aerial and terrestrial transmissions) or satellite (digital). See paragraph 85 in page 7.

In regards to claim 26, Zhang discloses that communication device can be a handheld computing device. See paragraph 87 in page 7.

In regards to claim 30, Zhang discloses a database included in the interactive platform, where information used for searching website (provided via interactive prompt) and log on time is entered, for statistical purposes. See paragraph 65 page 4.

In regards to claim 28, see claims 1, 12 and 13.

In regards to claim 29, see claims 12 and 13.

3. Claims 1, 2, 4, 8, 14, 21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ullman (US Pre Grant Pub. 2003/0005151).

In regards to claims 1, Ullman discloses a system for providing interactive communications between media producers and audience. An interactive prompt is associated with communication of a video program, by embedding URLs in the video program. Upon reception of the video, the client decoder extracts the URLs and launches a program to retrieve the particular web pages, so that the user can interact with the system, and provide interactive response such as polls. See paragraph 10, pages 1-2, paragraph 42 in page 3 and paragraph 58 in page 4.

In regards to claim 2, Ullman discloses providing communication of television programs over television network. See paragraphs 4 and 5, page 1.

In regards to claim 4 and 23, Ullman discloses transmission of video programs on electronic print medium such as DVD (digital). See paragraph 45, page 3.

In regards to claim 8, Ullman discloses insertion of the URL into the video program prior to distribution over a television transmission medium to a television receiver. See paragraph 42 in page 3 and paragraph 46 in page 4.

In regards to claim 14, Ullman discloses that the television transmission medium can be cable. See paragraph 45 in pages 3-4.

In regards to claim 21, Ullman discloses that video program with embedded URLs (interactive prompts) can be transmitted on printed medium such as DVD. See paragraph 45, page 3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (US Pre Grant Pub. 2002/0065034).

In regards to claim 14, zhang only discloses transmitting television signals over wireless media (see paragraph 85) and does not disclose transmission of broadcast signals over cable medium. Official notice is taken that cable is a well-known medium for transmission of television programs over a 'wired' medium. It

would have been obvious to one of ordinary skill in the art at the time of the invention to transmit television signals over a wired medium.

6. Claim 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman (US Pre Grant Pub. 2003/0005151) in view of Redford et al. (US Pat. 5,539,822).

In regards to claims 22 and 24, Ullman discloses the use of providing interactive prompts in form of electronic print communications. Ullman does not disclose print communication medium of a non-electronic formats.

Redford teaches a system for providing interactivity between mass consumers of non-electronic print media such as magazines and their distributors. The interactive prompt is provided in the form of a physically attached button for the user to interact with the system. See abstract.

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the media interactivity system of Ullman in view of Redford's teachings, by incorporating an non-electronic print communication medium with mass audience, and further providing a button means as interactive prompt, for receiving audience response with. The motivation is to enable additional methods of reaching audiences (using non-electronic printed media) and allowing them respond with the buttons, thus providing interactivity for audience of non-electronic print media. Furthermore, both paper publication (such as magazines) and billboard advertisement located in public places are non-electronic print



media communication to which the interactivity methods of the modified system apply.

7. Claims 5, 6, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US Pre Grant Pub. 2002/0065034) in view of 'Wireless Application Protocol' White paper, published in June 2000.

In regards to claims 5, Zhang does not disclose using a wireless communications device for receiving and requesting information according to a wireless communications medium protocol compliant with that device.

The Wireless Application Protocol (WAP) white paper discloses the Wireless Access Protocol as a standard that provides a method for wireless devices to communicate static and dynamic contents quickly, securely, and efficiently.

It would have been obvious to modify the system of Zhang so that the wireless devices comply with the WAP communications protocol, in order to facilitate efficient communication of data in the wireless domain.

In further regards to claim 6, the modified system uses a mobile telephone wireless communications device using the WAP communications protocol. See paragraph 87, page 7, in Zhang.

In further regards to claim 25, the WAP white discloses that communications according to a WAP protocol can operate on a high latency, low bandwidth networks such as the SMS (page 6). Therefore, the modified system

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US Pre Grant Pub. 2002/0065034) in view of Holtz et al. (US Pat. 6,452,612).

In regards to claim 9, Zhang discloses that instructions, information, URLs etc. can be inserted as prompts into the TV program. Zhang does not disclose the use of character generator for insertion of the prompt into the TV program video as text.

Holtz discloses using a character generator (130) at a production station for providing text inclusion in a video production. See column 8, lines 15-25, and column 16, lines 24-29.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Zhang to include a character generator as taught by Holtz in order to provide a device for including instructions, information or URL as texts into the TV program, thereby facilitating the insertion of the interactive prompt.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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12-10-04